

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOEL BURKETT,

Plaintiff,

v.

ISIDRO BACA, *et al.*,

Defendants.

Case No. 3:20-cv-00433-MMD-CLB

ORDER

Plaintiff Joel Burkett, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint and amended civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1, 1-1, 3.)

Plaintiff now files a motion for voluntary dismissal. (ECF No. 4.) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. Therefore, the Court dismisses this action without prejudice.

It is therefore ordered that the motion for voluntary dismissal (ECF No. 4) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1-1) is denied as moot.

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1 The Clerk of the Court is directed to enter judgment accordingly and close this  
2 case.

3 DATED THIS 13<sup>th</sup> Day of January 2021.

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6 MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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